

REMARKS***Drawings***

Replacement Sheet 13 replaces originally submitted Sheet 13, which contains Fig. 13. Replacement Sheet 13, which is attached hereto, has been amended to identify rolling ball 18a, previously depicted but not numbered. This change has been explained in replacement paragraph [0058] attached hereto and contains no new matter.

Replacement Sheet 13 is in compliance with 37 CFR 1.84.

Specification

Replacement paragraph [0058] replaces originally numbered paragraph [0058]. The sentences added to replacement paragraph [0058] explain the function of the rolling ball 18a, previously depicted but not numbered, in the rolling ball screw nut 18, previously called a ball screw nut. The intention of this replacement language is to better explain the operation of a lifting screw shaft 17 and a rolling ball screw nut 18, as substantially different from a conventional screw jack such as depicted in RUSSELL, US Patent 1,660,275, and cited by the Examiner.

Elections/Restrictions

In the Office Action, the Examiner noted that newly submitted claims 26-29 are directed to an invention that is independent or distinct from the invention originally claimed because the original claims only identify a chain and sprocket mechanism and the original claims do not mention a hydraulic cylinder and piston assembly. The Examiner further notes that since an action on the merits for the originally presented invention has been received, there has been a constructive election by original

presentation for prosecution on the merits. Accordingly the Examiner withdrew claims 26-29 from consideration as being directed to a non-elected invention.

Applicant respectively disagrees that a constructive election was made because original claim 1 contained "a mechanism for vertically raising and lowering the liftable frame through the opening in the floor". In paragraphs [0017] and [0019] of the specification, the "mechanism for vertically raising and lowering the liftable frame" was specifically defined to comprise both hydraulic and rack and pinion means. Thus it might be argued that those alternative embodiments were elected in the original claims. Nonetheless, Applicant has withdrawn claims 26-29.

Claim Rejections

In the Office Action, the Examiner noted that claims 3-6, 9-11, 14-16 and 18-29 are pending in the application and claims 18-29 are withdrawn from consideration. The Examiner noted that claims 3-6, 9-11 and 14-16 are rejected and claims 4-6, 9-11 and 14-16 are objected to. By this Amendment, claims 26-29 are withdrawn, claims 10 and 15 are cancelled and claims 3, 4, 11, 14 and 16 have been amended to overcome Examiner's rejections and objections.

35 USC § 112

The Examiner rejected claims 4, 10, 14 and 15 under 35 USC § 112 as being indefinite. In response, Applicant has cancelled claims 10 and 15 and amended claims 4 and 14 to remove elements and language already incorporated in the base claims.

35 USC § 103

The Examiner rejected claims 3, 5, 7, 12 and 17 as being unpatentable over RUSSELL, US 1,660,275, in view of JP5-125848. Applicant notes that claims 7, 12 and

17 have been cancelled and are not pending in this application. Applicant respectfully suggests that perhaps the Examiner intended to say that claims 3-6, 9-11 and 14-16 were rejected. In any case, Applicant notes that claim 3 is the base claim for all the pending claims that follow and suggests that allowance of claim 3 will place all following pending claims in allowance.

Claims 3 has been amended to re-define the element "ball screw nut" as "rolling ball screw nut". Paragraph [0058] of the specification and Fig. 13 have been amended to identify the rolling ball 18a, previously depicted but not numbered. With this identification, the ball screw nut 18 has been renamed the rolling ball screw nut 18. The combination of elements comprising the lifting screw shaft 17, the rolling ball screw nut 18 with at least one rolling ball 18a, work as a lifting device substantially different from the elevating screws 16 and nuts 32 shown in RUSSELL. The RUSSELL mechanism is a conventional screw jack similar to what is used in automobiles to change flat tires. The lifting screw shaft 17 and the rolling ball screw nut 18 of the present invention is a more precise system of creating linear motion.

Applicant respectfully submits that a combination of RUSSELL and JP5-125848 do not equal the present invention. Adding the top and bottom deck components of JP5-125848 to RUSSELL does not teach the elements of the present invention. As stated in *In re Fritch*, 972 F.2d 1260, obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion supporting the combination. Applicant respectfully suggests that neither RUSSELL nor JP5-125848 teach or suggest the present invention as claimed in amended independent claim 3. Applicant respectfully requests that claim 3, as amended, be

allowed. Likewise, Applicant requests that claim 4, which includes all the limitations of claim 3, be allowed, and claims 5 and 6, which depend on claims 3 and 4, respectively, also be allowed. Furthermore, claim 9, which depends on claim 4 and claim 11 which depends on claim 9 should be allowed, and claim 14 which depends on claim 9, along with claim 16 which depends on claim 14 should also be allowed.

Allowable Subject Matter

The Examiner noted that claims 4-6 and 9-11 would be allowable if rewritten to overcome the rejections under 35 USC § 112 and to include all of the limitations of the base claim and any intervening claims. Likewise, claims 14-16 would be allowable if rewritten to overcome the rejections under 35 USC § 112.

As noted above, Applicants have cancelled claims 10 and 15 and amended claims 4 and 14 to remove elements and language already incorporated in the base claims. In addition, and as noted above, Applicants submits that claim 3, as amended, should be allowed for the reasons stated above. All pending claims ultimately depend on claim 3, as amended, so they all include the limitations of claim 3.

Claim 4, as amended, depends on claim 3. Claim 5 has not been amended because it depends on Claim 3. Claim 6 has not been amended because it depends on claim 4.

Claim 9, previously amended, has not been amended here because it depends on claim 4. Claim 10 has been cancelled. Claim 11 has been amended to depend on claim 9 because it previously depended on claim 10, now cancelled.

Claim 14 has been amended to overcome 35 USC § 112 rejection and likewise depends on claim 9.

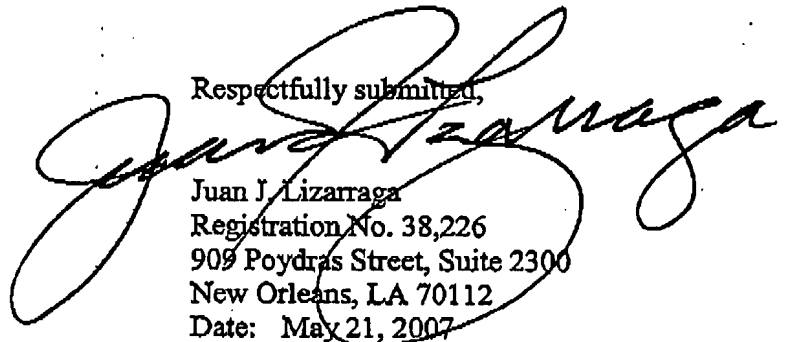
Claim 15 has been cancelled. Claim 16 has been amended to depend on claim 14 because it previously depended on claim 15, now cancelled.

Applicants respectfully request that claims 3-6, 9, 11, 14 and 16 be allowed.

Conclusion

For all the reasons advanced above Applicants respectfully submit that the application is in condition for allowance and that action is earnestly solicited.

Respectfully submitted,

A large, stylized handwritten signature in black ink, which appears to read "Juan J. Lizarraga". The signature is written over the typed name and address.

Juan J. Lizarraga
Registration No. 38,226
909 Poydras Street, Suite 2300
New Orleans, LA 70112
Date: May 21, 2007

361657/82138